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SUBJECT: IMPRISONED NEWSPAPER EDITOR FACES ADDITIONAL CHARGES

REF: BAKU 186

NEW CHARGES AGAINST IMPRISONED EDITOR

1. (SBU) On July 4, the Ministry of National Security (MNS) brought two new criminal charges against imprisoned journalist Eynulla Fatullayev for a Realny Azerbaijan article titled, "The Aliyevs Go to War." The MNS charged Fatullayev with inciting national, ethnic, and religious hatred (article 214.1 of the Criminal Code) and threatening terrorism (article 283.2.2 of the Criminal Code). (NOTE: Fatullayev was sentenced in April on libel charges, reftel. Fatullayev was the editor of the Russian-language weekly Realny Azerbaijan and the Azeri-language daily Gundalik Azerbaijan. Local authorities evicted the staff of both newspapers on May 21, saying their office violated local safety regulations. Authorities also seized computers from the premises, which have been sealed. END NOTE.) According to press, the MNS also interrogated three Gundalik Azerbaijan editors about the newspaper's financing, sales, and relationship to Realny Azerbaijan. Fatullayev is still being held in pre-trial detention at a MNS isolation facility, where he is refusing to answer questions about these latest charges, according to his lawyer Isakhan Ashurov.

2. (SBU) The Realny Azerbaijan article that prompted the latest charges was published in March by local journalist Rovshan Bagirov. The article listed facilities in Azerbaijan that Iran might attack if Azerbaijan supported U.S. military action in Iran. The article also criticized the GOAJ for its support of UNSCR 1747, arguing that Azerbaijan's backing raised the risk of Iranian retaliation.

REACTION TO THE NEW CHARGES

3. (SBU) While MNS spokesperson Arif Babayev confirmed the two charges on July 4, the MNS has failed to explain how the article amounted to terrorism or fostering national, ethnic, or religious hatred. Prosecutor General Zakir Garalov has given the clearest available GOAJ account of the charges to date, stating on May 31 that Realny Azerbaijan's website listed the addresses of state establishments and reported that these establishments would be attacked by Iran.

4. (SBU) Acting editor Realny Azerbaijan Chingiz Sultansoy reported that newspaper employees were baffled by the new charges. "We are journalists, we are peaceful people. The editors and journalists cannot understand: what kind of terrorist threat journalists pose?" Sultansoy said. Opposition leaders called the prosecution part of a government campaign to silence critical media.

COMMENT

15. (SBU) This latest round of charges against Fatullayev is part of a broader pattern of GOAJ steps to intimidate or harass journalists. We are continuing to engage with the GOAJ at the highest levels regarding this broader pattern. We hope that an upcoming DVC between A/S DRL Lowenkron and Foreign Minister Mammadyarov will be another occasion for raising our concerns in this regard.  
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